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**State of Wisconsin  
Governor Scott Walker**

**TO: Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
Training Staff  
Child Care Coordinators**

**FROM: Kath McGurk, Director  
Bureau of Early Learning and Policy  
Division of Early Care and Education  
Department of Children and Families**

**DECE/BELP OPERATIONS MEMO**

**No: 17-24**

**DATE: 05/16/2017**

**Child Care**

**SUBJECT: Amendment to Definitions and Verification of Placement for Children  
in Foster Care/Subsidized Guardianship/Interim Caretaker Situations  
and Children Placed with Relatives under a Court Order**

**CROSS REFERENCE:** Wisconsin Statutes section 49.155(1m)(c)1g and 1h;  
Wisconsin Shares Child Care Subsidy Policy Manual  
sections 1.2 and 1.6.10

**EFFECTIVE DATE:** May 16, 2017

**PURPOSE:** The purpose of this Operations Memo is to amend and clarify both the definitions and the verification requirements for children placed with foster parents/subsidized guardians/interim caretakers and children placed with relatives under a court order.

**BACKGROUND:** Wisconsin Statutes sections 49.155(1m)(c)1g and 1h allow for a financial eligibility exception for foster parents/subsidized guardians/interim caretakers and relatives who have both court-ordered placement of a child and who receive the Kinship Care payment when they are applying for the Wisconsin Shares Child Care Subsidy Program for children placed in their home. For children placed with foster parents/subsidized guardians/interim caretakers or children placed with relatives under a court order and who receive Kinship Care payments, financial eligibility is tested using the gross income of the child's biological or adoptive family at or below 200% federal poverty level. As a result, it is necessary to verify the foster home/interim

caretaker/subsidized guardian placement or the court-ordered placement with the relative to make sure the exception is applicable.

**POLICY: Section 1.6.10 Placement of Children:** The Placement of Children portion of this section has been amended as follows:

**Out-of-Home Care Placements:** When there is a court order detailing the placement of the child in out-of-home care it must be provided to the eligibility agency by the applicant and scanned into Electronic Case File (ECF).

- **Foster Care/Subsidized Guardianship/Interim Caretaker Placements:** current Voluntary Placement Agreement; current Temporary Physical Custody order; current court order under Wisconsin Statute Chapters 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48 or 938; a letter from the child's caseworker (county or tribal) that includes the name and address of the foster parent with whom the child is placed, plus the name and date of birth of the child, as well as the date the out-of-home care placement began, the date the out-of-home care placement will end (if applicable), and the name, date the letter was completed, and the telephone number for the caseworker; or DCF-F-5190-E.
- **Relatives with court-ordered placement of a child:** current court order (any court order under Wisconsin Statute Chapters 48, 54, or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48, 54, or 938 is acceptable); a letter from the child's caseworker (county or tribal) for Wisconsin Statute Chapters 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48 or 938 that includes the name and address of the relative with whom the child is placed, plus the name and date of birth of the child, as well as the date the court ordered placement with the relative began, the date the child's court ordered placement with the relative will end (if applicable), and the name, date the letter was completed, and the telephone number for the caseworker; or DCF-F-5190-E (when the placement was ordered under Wisconsin Statute Chapters 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48 or 938).
  - Please note that voluntary kinship or guardianships under Wisconsin Statute Chapter 54 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapter 54 must be verified using the current court order only.

**Section 1.2 Definitions:** The definitions below have been amended as follows:

- **Court Order:** A direction issued and signed by a judge, court commissioner, or substantially similar Wisconsin tribal authority.
- **Interim Caretaker:** A caretaker who has been approved to replace a subsidized guardian under Wisconsin Statutes section 48.623 or substantially similar Wisconsin tribal law when the subsidized guardian is no longer able to provide care for a specific foster child.

- Kinship Care: The program established under Wisconsin Statutes sections 48.57(3m) or (3n) which provides monthly payments to children receiving care from relatives. Tribal children are already encompassed under these statutory sections, as indicated under Wisconsin Statutes section 48.57(3t).
- Relative with Court-Ordered Placement and a Kinship Care Payment: A case whereby a relative is receiving Kinship Care payments for a child under Wisconsin Statute sections 48.57(3m) or (3n) and has a legal placement under Wisconsin Statute Chapters 48, ~~or~~ 54, or 938 or substantially similar Wisconsin tribal law.
- Relative with Court-Ordered Placement and No Kinship Care Payment: A case in which a relative is not receiving a Kinship Care payment, but has a legal placement under Wisconsin Statute Chapters 48, ~~or~~ 54, or 938 or substantially similar Wisconsin tribal law.
- Subsidized Guardianship: A type of guardianship that falls under Wisconsin Statute section 48.623 or substantially similar Wisconsin tribal law.

### **CONTACTS:**

For Wisconsin Shares Child Care policy questions outside of Milwaukee County contact your Bureau of Regional Operations (BRO), Child Care Coordinators at <https://dcf.wisconsin.gov/files/regionaloperations/pdf/bro-contacts.pdf>

For Child Care CARES/CWW, CSAW and CCPI Processing Questions statewide and policy questions in Milwaukee County contact the Child Care Subsidy and Technical Assistance Line at: [childcare@wisconsin.gov](mailto:childcare@wisconsin.gov) or (608) 422-7200.

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